

Article - Real Property

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§8-118.1.

(a) (1) In an action under § 8-402.4 of this title in which a party demands a jury trial, the District Court immediately shall enter an order directing the person or entity in possession to pay the monthly fair rental value of the premises that is subject to the action, or such other amount as the court may determine is proper, starting as of the date the action was filed, as required in subsection (b) of this section.

(2) The order shall require the amount determined by the court to be paid within 5 days of the date of the order.

(b) The District Court shall order that the amount determined by the court be paid:

(1) Into the registry of an escrow account of the clerk of the circuit court;
or

(2) To the plaintiff if both the defendant and the plaintiff agree or at the discretion of the District Court.

(c) (1) If the person or entity fails to pay under the terms of the order, the circuit court, on motion of the person or entity claiming possession and certification of the clerk or the plaintiff, if the payment is made to the plaintiff, of the status of the account, shall conduct a hearing within 30 days.

(2) The District Court's escrow order and the clerk's certification are presumed to be valid.

(3) The person or entity in possession may dispute the validity or terms of the District Court's escrow order or raise any other defense to the person's alleged noncompliance with the order.

(d) (1) If the circuit court determines that the failure to pay is without legal justification, the court may treat the person or entity in possession's demand for jury trial as waived, and can immediately conduct a nonjury trial or set the matter for a future nonjury trial on the merits of the claim of the person or entity claiming possession.

(2) If the circuit court, on motion, determines that either party is entitled to possession as a matter of law, the court shall enter a judgment in favor of that party for possession of the property and for any other appropriate relief.

(e) (1) Upon final disposition of the action, the circuit court shall order distribution of the escrow account in accordance with the judgment.

(2) If no judgment is entered, the circuit court shall order distribution to the party entitled to the escrow account after hearing.

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